the letter, but it does not prove that he had that desire when the letter was received. Similarly, the acceptor's intent may not be the same when his acceptance is received as when it was sent, and so on. Consequently a French writer whom Dr. Cohen quotes (page 20) asserts that there is no such thing as a contract by letter and that it is chimerical to seek a meeting of minds. While such stern logic is exceptional, it is not surprising to find that the "French doctrine is divided today between the three principal systems." (1) That the acceptance must come to the knowledge of the offerer; (2) that from the moment the will of the acceptor is declared a contract arises; (3) that the moment when the acceptance is despatched to the offerer is that when a contract arises. Not only do the theorists quarrel about the matter, but the Courts of Appeal have not been able to agree upon a uniform system. Certainly, the author's discussion does not tend to induce the belief that in the subject with which he is dealing the civil law is better reasoned, more practical, or more fixed than the common law. The thoroughness of Dr. Cohen's treatment and its sensible reasoning commend it.

S. W.

THE CLOTHING WORKERS OF CHICAGO. Prepared by the Research Department of the Amalgamated Clothing Workers. Chicago: The Chicago Joint Board, Amalgamated Clothing Workers of America. 1922. pp. 424.

LABOR AND DEMOCRACY. By William L. Huggins. New York: The Macmillan Co. 1922. pp. xii, 213.

Twelve years ago the city of Chicago was shaken by the passionate struggle of over 40,000 clothing workers, then for the most part unorganized, helpless, inarticulate, striking in vague protest against unendurable working conditions and a wage substantially below the minimum cost of subsistence. The strike was lost; the underlying causes of unrest continued; and for some years the industry and the public suffered from the consequent economic waste due to bitter hostility between employer and employed. But the stormy strike of 1910 had one constructive result. Toward the end of the strike some 6000 workers entered into a voluntary agreement with their employer, Hart, Schaffner and Marx; and this agreement in addition to stipulating for the return of the employees to their old positions, provided that an arbitration committee of three should be chosen with power to hear all existing and future grievances between employer and employees and to render binding decisions. As a result of this and of subsequent supplementary agreements, impartial machinery was set up for the determination of grievances and for the regulation of the industry, consisting of shop officials, a Trade Board, and, with final appeal in certain cases, a Board of Arbitration. Both of these Boards are composed of an equal number of representatives chosen by employer and employees with an impartial chairman at the head. The machinery thus built up through the vision and patience of the Hart, Schaffner and Marx representatives and of the leaders of their employees was later extended, after a protracted industrial struggle, to the entire clothing industry of Chicago, and furnishes among the clothing workers of Chicago the permanent basis of industrial peace today.

The Clothing Workers of Chicago is a book which, after telling the story of how the garment workers finally won their fight for the democratic government of the industry, goes on to show the interesting results that have followed. Of high significance they have been. Chaos, dis-

order, industrial anarchy have been replaced by a constitutional government and reign of law which have revolutionized the spirit of the work. The industry has been stabilized to the profit of every one; the former constant labor disturbance and futile struggle have been reduced to the veriest minimum. Quite apart from the economic gain shared by both employer and employee through this elimination of waste, there has been also an immeasurable social gain in the spirit of contentment generated. As stated by Hart, Schaffner and Marx, in their testimony before the Federal Industrial Relations Commission in April, 1914: "The unexpected and indirect results of our labor policy in increasing the efficiency, reforming the conduct, and raising the intelligence of the executives coming into contact with the system have been as profitable and satisfactory as the direct result, i.e., the creation of harmony and good will on the part of the people toward the Company."

Numerous instances are evidenced in the book. "The total elimination of stoppages," it is stated (p 263), "is now an avowed purpose of the organization. It places sufficient confidence in the workings of the impartial machinery as an instrument of justice to be willing to disarm to this extent." Numerous decisions of the Trade Board indicate that this is no idle statement. In Case No. 633, decided by the Trade Board on March 14, 1921, the cutters in a certain house "stopped work as a protest against the discharge of a fellow-worker. They refused to resume though instructed to do so by the shop chairman, the foreman, the superintendent, and the labor manager, and even by the union deputy over the telephone. It was not until the deputy came in person that they returned to work. The Trade Board in its opinion on the case declared: 'Every stoppage is a flagrant violation of the agreement. The Trade Board is determined to put an end to stoppages and has every confidence that the union will co-operate to that end. In this case the union deputy has held a shop meeting and exacted a promise from every worker that a stoppage would not be participated in again.'"

What will perhaps be of greatest interest to lawyers is the substantial body of case law which is being built up by the Trade Board and the Board of Arbitration. In view of the permanence of these boards, their constant activity, the fact that their decisions are carefully reasoned, judicial in quality and reduced to writing, precedent must almost necessarily come to play a large part in the making of these decisions. As Chairman Williams of the Board of Arbitration said in the Cleaners' Case in 1917: "Any answer the chairman may make to this question must be consistent with decisions previously made, which have become part of the working structure of the agreement."

Thus there has been built up, in addition to the constitutional law of the initial Agreement, a large and very valuable body of "common law" which has become an all-important part in the government of the industry. A study of this unique body of case law, instanced in the book by a resumé of some 223 decisions, reveals many parallels to the development of our own common law, and suggests that not all of our juridical development today is confined to our courts. Perhaps it is significant of our times that the parties are turning for the settlement of their controversies, not to the expensive, slow-moving and cumbrous machinery of our courts, but to a machinery of their own creation, expeditious, cheap, exceedingly flexible and productive of decisions of penetrating understanding. One can find many of the qualities of a John Marshall in the late John E. Williams, the first Chairman of the Board of Arbitration, to whose genius and unique personality is largely due the successful outcome of this experiment of government in industry.

The story of so interesting an experiment should certainly be told; it is fortunate that it is told so well as in *The Clothing Workers of Chicago*. The book, of course, is an *ex parte* statement by the workers; but that very fact lends a peculiar interest to the book, and shows all the more clearly the constructive and intelligent view which the union leaders in Chicago are taking of these interesting developments.

Judge Huggins' book is of a somewhat different nature. Here is a discussion of a similar effort to substitute judicial settlement for war in the industrial struggle; but in the Kansas experiment the machinery is forced by the government upon employers and employees regardless, if not counter to, their wishes; and the arbitrators are not of their own, but of the government's choosing. In many ways, the results have not been as happy as in the Chicago experiment; but perhaps it is only fair to say that the Kansas program is more ambitious and the initial problems more difficult to overcome. In *Labor and Democracy* Justice Huggins, the presiding judge of the Kansas Court of Industrial Relations, discusses in a popular way the problems arising between employer and employee, and their relationship to the rights of the public, and then goes on to show how Kansas has attempted to solve these problems by the creation of the Kansas Court, and how this court is working out a body of case law to define the legal concept of industrial justice.

As a matter of fact, Kansas has not been the pioneer in Industrial Courts. To Justice Higgins of the Australian Court of Conciliation and Arbitration, and to Professor Jethro Brown of the South Australian Industrial Court, must be given the credit for successfully blazing the way in Industrial Court case law. "Labor and Democracy," however, is interesting as showing the ideas of the man who is conducting the first American experiment along this line, — an experiment which the whole nation is watching with no inconsiderable interest.

FRANCIS B. SAYRE.

LIBERTY UNDER LAW, AN INTERPRETATION OF THE PRINCIPLES OF OUR CONSTITUTIONAL GOVERNMENT. By William Howard Taft. New Haven: Yale University Press. 1922. pp. 51.

This little book, an address by Mr. Chief Justice Taft, is the first of the Cutler Lectures recently founded in The University of Rochester to promote serious popular consideration of points deemed vital to the permanence of constitutional government in the United States. It is a simple and interesting statement of controlling principles, with their present-day applications, rather than a studied discussion or defense of them.

The address pertinently says that the framers of the Constitution adopted the form of the colonial government in giving the Federal Government powers which the English Government retained under the royal charters to the colonies, — but reversed the order. The States and the people became the source of sovereignty; the Federal Government held under a charter of limited powers, and accordingly if its acts exceeded the powers granted, they would be void, as were those of the colonies.

Governments do not create liberties; they preserve, restrain or destroy them. Among peoples living in settled communities there can be no liberty except under law. The Constitution was not framed as an exposition of political theory nor did it aim to control the powers of a nation in the interest of a family or a class, as was done in France in 1852, in Germany in 1871, and as Russia is now attempting to do. The most intelligent and experienced patriots and statesmen devised it to preserve personal liberties that had been won at a heavy cost. They accepted as